

**CHIROPRACTOR EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
FEBRUARY 21, 2002**

PRESENT: Dale Strama, DC; Char Glocke, James Greenwald, DC; Bevier Hasbrouck Sleight, III, DC; James Rosemeyer, DC

EXCUSED: Susan Feith

STAFF PRESENT: Kimberly Nania; John Schweitzer, Legal Counsel; Lydia Bridge; Darwin Tichenor and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Tom Fonfara, Quarles & Brady; Ron Hermes, WPTA; Elizabeth Schumacher, State Medical Society; Dyana Tillinger, WCA

CALL TO ORDER

The meeting was called to order at 8:05 a. m. by Dale Strama, Chair. A quorum of five members was present.

AGENDA

Amendments to the agenda:

- Review of Physical Therapists Written Testimony on AB 615
- Review of application of David K. Smith
- Information regarding Arizona statutes
- Correspondence from Gregg Bakke, DC

MOTION: James Greenwald moved, seconded by Bevier Sleight, to approve the agenda as amended. Motion carried unanimously.

MINUTES (01/31/02)

Amendments to the minutes:

- Add Russ Leonard to guests (pg 1)
- Change the DVM after Julie Kauffman to DC (pg 3)

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the minutes, as amended. Motion carried unanimously.

DEPUTY SECRETARY GREG HORSTMAN

Deputy Secretary Greg Horstman was introduced to the Board. Mr. Horstman addressed the Board regarding the approval of the reorganization of DRL by the Wisconsin Department of Administration.

PRESENTATION OF PROPOSED STIPUATLION

Richard L. Horaitis, D.C., (Hubertus)

DOE Attorney Jack Zwieg, presented testimony in support of the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Richard L. Horaitis. The Board deliberated on this issue in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board noted the summary reports dated February 14, 2002.

REVIEW PROPOSED RULES RELATING TO CONTINUING EDUCATION COURSES TO INCLUDE MATERIAL ON CHIROPRACTIC PHILOSOPHY

Proposed rules were sent to the Administrative Rules Clearinghouse on February 7, 2002. A public hearing will be held on March 21, 2002 at 8:30 a.m. in Room 179A.

MOTION: Bevier Sleight moved, to withdraw the proposed rules. Motion did not carry because no second was made.

REVIEW AND DISCUSS INFORMATION RE: SENATE BILL 401 RELATING TO THE PRACTICE OF ANIMAL CHIROPRACTIC

The Board briefly discussed Senate Bill 401. The Board requested an update at the next Board meeting.

REVIEW AND DISCUSS INFORMATION RE: ASSEMBLY BILL 749, RELATING TO THE PRACTICE OF MASSAGE THERAPY AND BODYWORKERS

Tom Fonfara, Lobbyist, updated the Board as to the status of Assembly Bill 749. The Board discussed the bill, but took no action on it.

REVIEW OF PHYSICAL THERAPIST'S WRITTEN TESTIMONY ON AB 615

Ron Hermes, WPTA, updated the Board regarding bill AB 615. The Board also reviewed the written testimony of Barbara Flaherty, Vice Chair of the Physical Therapists Board. The Board took no additional action regarding this matter.

CORRESPONDENCE

Gregg Bakke, D.C.

MOTION: James Rosemeyer moved, seconded by James Greenwald, that John Schweitzer should affirm to Dr. Bakke that his records meet the minimal standards of Chiro 11. Motion carried unanimously.

Mr. Garrett Rosato, Huntersville, NC

The Board received correspondence from Mr. Garrett Rosato of NeuroMax asking the Board to reconsider its opinion that the NeuroMax contract language constitutes a fee-splitting arrangement.

MOTION: Bevier Sleight moved, seconded by James Greenwald, that the Board will not reconsider its opinion. Motion carried unanimously.

DEFINITIONS OF SUBLUXATION AND PHYSICAL THERAPY IN HFS RULES

This item was informational.

INQUIRY FROM AUSTRALIA

Noted.

REMINDER OF COMPLAINT HANDLING PROCESS

Noted.

REQUEST FOR CE APPROVAL

A request was made by a licensee for approval of “grand rounds” which are done in hospitals, to count towards continuing education credit. The Board determined “grand rounds” do not count toward continuing education (refer to Chir 5.02 Approval of Continuing Education Programs).

PRECEPTORSHIP APPROVAL

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to approve James Fox, Marty Lorentz and Thomas Tessendorf as preceptors. Motion carried unanimously.

DISCUSSION OF VARIOUS LEVELS OF C.P.R. CERTIFICATION AVAILABLE

Any C.P.R. certification is acceptable for renewal of licensure. The licensee will have to confirm C.P.R. certification by signing an affidavit on the renewal application.

RECESS TO CLOSED SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), (f), and (g), Wis. Stats., to consider the deliberation of a proposed stipulation, reviewing case status report, reviewing examination results, examination scheduling issues, review of application and consulting with Legal Counsel. Roll Call Vote: Dale Strama-yes; Char Glocke-yes; James Greenwald-yes; Bevier Hasbrouck Sleight-yes; James Rosemeyer-yes. Motion carried unanimously.

Open Session recessed at 10:55 a.m.

RECONVENE IN OPEN SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to reconvene in Open Session. Motion carried unanimously.

Open Session reconvened at 11:35 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

APPLICATION REVIEW

DAVID K. SMITH, DC, (Rock Island, IL)

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the application of David K. Smith and to make him aware that acupuncture is not part of the chiropractic license in Wisconsin. Motion carried unanimously.

STIPULATIONS

RICHARD L. HORAITIS, DC (Hubertus, WI)

MOTION: Char Glocke, moved, seconded by James Rosemeyer, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Richard L. Horaitis, DC. Motion carried unanimously.

CASE CLOSING

MOTION: James Greenwald moved, seconded by Bevier Sleight to close complaint **99CH1073**. The case advisor was James Rosemeyer. Motion carried unanimously.

RESULTS FROM 2/7/02 EXAMINATION

MOTION: James Greenwald moved, seconded by Beiver Sleight, to accept and release the scores from the 2/7/02 Chiropractic Examination. Motion carried unanimously.

EXAMINATION SCHEDULING

MOTION: James Rosemeyer moved, seconded by Char Glocke, to add another exam date on September 5, 2002. Next year three exams will be administered at four-month intervals. Motion carried unanimously.

INFORMATION ITEMS

Noted.

ADJOURNMENT

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:50 a.m.

